
By: **Senator Harris**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 21, 2003

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Altering the Results of a Drug or Alcohol Screening Test -**
3 **Penalties**

4 FOR the purpose of prohibiting a person, with intent to defraud or alter the outcome
5 of a certain drug or alcohol screening test, from altering certain bodily fluid,
6 substituting a certain sample with another, or possessing or using a certain
7 bodily fluid adulterant; prohibiting a person, with intent to defraud or alter the
8 outcome of a certain drug or alcohol screening test, from selling, distributing,
9 offering to sell or distribute, or transporting into the State, certain bodily fluids
10 or bodily fluid adulterants; establishing certain penalties; defining certain
11 terms; and generally relating to certain drug or alcohol screening tests.

12 BY adding to
13 Article - Criminal Law
14 Section 10-111
15 Annotated Code of Maryland
16 (2002 Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Criminal Law**

20 10-111.

21 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

1 (2) "BODILY FLUID" MEANS BLOOD, URINE, SALIVA, OR OTHER BODILY
2 FLUID.

3 (3) "BODILY FLUID ADULTERANT" MEANS ANY SUBSTANCE OR
4 CHEMICAL THAT IS INTENDED, FOR THE PURPOSE OF ALTERING THE RESULTS OF A
5 DRUG OR ALCOHOL SCREENING TEST, TO BE:

6 (I) CONSUMED BY A PERSON;

7 (II) INTRODUCED INTO THE BODY OF A PERSON; OR

8 (III) ADDED TO A SAMPLE OF BODILY FLUID.

9 (4) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING
10 STATED IN § 5-101 OF THIS ARTICLE.

11 (5) "DRUG" HAS THE MEANING STATED IN § 5-101 OF THIS ARTICLE.

12 (6) "DRUG OR ALCOHOL SCREENING TEST" MEANS AN ANALYSIS OF A
13 SAMPLE OF BODILY FLUID COLLECTED FROM A PERSON FOR THE PURPOSE OF
14 DETECTING THE PRESENCE OF ALCOHOL, DRUGS, OR A CONTROLLED DANGEROUS
15 SUBSTANCE IN THE BODILY FLUID OF THE PERSON.

16 (B) A PERSON MAY NOT, WITH INTENT TO DEFRAUD OR ALTER THE OUTCOME
17 OF A DRUG OR ALCOHOL SCREENING TEST:

18 (1) ALTER A BODILY FLUID SAMPLE;

19 (2) SUBSTITUTE A BODILY FLUID SAMPLE WITH A BODILY FLUID
20 SAMPLE OF ANOTHER PERSON OR ANIMAL;

21 (3) POSSESS OR USE A BODILY FLUID ADULTERANT;

22 (4) SELL, DISTRIBUTE, OR OFFER TO SELL OR DISTRIBUTE:

23 (I) ANY BODILY FLUID FROM A HUMAN OR ANY ANIMAL; OR

24 (II) ANY BODILY FLUID ADULTERANT; OR

25 (5) TRANSPORT INTO THE STATE:

26 (I) ANY BODILY FLUID FROM A HUMAN OR ANY ANIMAL; OR

27 (II) ANY BODILY FLUID ADULTERANT.

28 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF:

29 (1) FOR A FIRST VIOLATION, A MISDEMEANOR AND ON CONVICTION IS
30 SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~3 YEARS~~ 1 YEAR OR A FINE NOT
31 EXCEEDING ~~\$5,000~~ \$1,000 OR BOTH; AND

1 (2) FOR EACH SUBSEQUENT VIOLATION, A ~~FELONY~~ MISDEMEANOR AND
2 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING ~~5~~ 3 YEARS OR A
3 FINE NOT EXCEEDING ~~\$10,000~~ \$5,000 OR BOTH.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2003.